

Between November 15, 1940, and March 3, 1941, the United States attorneys for the Northern District of California, the District of Oregon, and the Southern District of California filed libels against 264 cartons and 100 cases of canned huckleberries at San Francisco, Calif., 670 cases at Los Angeles, Calif., 13 cases at Portland, Oreg., and 14 cases at Long Beach, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 3, 1940, to on or about February 4, 1941, by the Midfield Packers from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part variously: "Stiefvaters' Best O. K. \* \* \* Water Pack Huckleberries," "Moon Winks Brand Water Pack Huckleberries," and "Sherwood's Water Huckleberries."

Between January 10 and April 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1614. Adulteration of canned huckleberries. U. S. v. 494 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3326. Sample No. 45954-E.)**

This product contained insect larvae.

On November 4, 1940, the United States attorney for the District of Colorado filed a libel against 494 cartons of canned huckleberries at Denver, Colo. (consigned by Midfield Packers), alleging shipment of said article on or about October 17, 1940, from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Midfield Brand Water Pack Huckleberries."

On January 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1615. Adulteration of canned huckleberries. U. S. v. 250 Cartons of Huckleberries (and 4 other cases against canned huckleberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 3412, 3922, 3923, 4059, 4060. Sample Nos. 26568-E, 46477-E, 46479-E, 56501-E, 56509-E.)**

Examination showed that this product contained maggots.

On December 5, 1940, and March 6, 8, 26, and 27, 1941, the United States attorneys for the Southern District of New York and the Eastern District of New York filed libels against 250 cartons and 292 cases each containing 6 No. 10 cans of huckleberries at New York, N. Y., 48 cases each containing 6 No. 10 cans at Brooklyn, N. Y., and 59 cases each containing 6 No. 10 cans at Maspeth, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31, 1940, by Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Three Castles Brand Huckleberries \* \* \* Embassy Grocery Corp. Distributors New York, N. Y."; and "Household Brand Huckleberries Olympia Canning Company."

On December 30, 1940, and March 28, April 14 and 26, and May 6, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1616. Adulteration of canned crushed pineapple. U. S. v. 48 Cases of Canned Pineapple. Default decree of condemnation and destruction. (F. D. C. No. 3408. Sample No. 16906-E.)**

Examination showed the presence of decomposed fruit in this product.

On November 19, 1940, the United States attorney for the District of Kansas filed a libel against 48 cases, each containing 6 No. 10 cans, of crushed pineapple at Hutchinson, Kans., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by Arthur Serra & Co. from Texas City, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Cuban Beauty Brand."

On January 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1617. Adulteration of canned peas. U. S. v. 17 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2183. Sample No. 28303-E.)**

This product was in whole or in part decomposed.

On June 8, 1940, the United States attorney for the Western District of Virginia filed a libel against 17 cases of canned peas at Woodstock, Va., alleging that the article had been transported in interstate commerce by Boyer Grocery

Co., Inc., from Baltimore, Md., to the place of business of the Boyer Grocery Co., Inc., Woodstock, Va., on or about March 31, 1940; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Temptu Early Variety Peas Distributed by King Foods Company, Baltimore, Md."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1618. Misbranding of canned peas. U. S. v. 187 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled.** (F. D. C. No. 3158. Sample Nos. 20922-E, 20923-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas amounted to more than 23.5 percent, and it was not labeled to indicate that it was substandard.

On October 8, 1940, the United States attorney for the Western District of North Carolina filed a libel against 187 cases, each containing 24 cans, of peas at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about July 4 and August 21, 1940, by H. E. Kelley from New Church, Va.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. It was labeled in part: (Cans) "Kelley's Pod Run [or "Wholesome"] Early June Peas."

On February 19, 1941, H. E. Kelley, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1619. Misbranding of canned peas. U. S. v. 190 Cases of Early June Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 3445. Sample No. 34682-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas were more than 23.5 percent, and the skins of more than 25 percent of them were ruptured to a width of  $\frac{1}{16}$  inch or more. It also fell below the standard of fill of container prescribed for canned peas.

On or about December 2, 1940, the United States attorney for the District of Connecticut filed a libel against 190 cases, each containing 24 cans, of peas at Danbury, Conn., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by Wm. Silver & Co. from Aberdeen, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Kent Farm Brand Early June Peas."

The article was alleged to be misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and the label failed to bear in such manner and form as the regulations specify, that it fell below such standard; and (2) in that it fell below the standard of fill of container for canned peas and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 28, 1941, Albert W. Sisk & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**1620. Adulteration and misbranding of canned peas. U. S. v. 24 Cases of Canned Peas (and 2 other seizures of canned peas). Default decrees of condemnation. Product ordered distributed to public welfare officers.** (F. D. C. Nos. 2774, 3049, 3060. Sample Nos. 28850-E, 28875-E, 28876-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas were more than 23.5 percent and in two of the three lots the skins of more than 25 percent were ruptured to a width of  $\frac{1}{16}$  inch or more. The product was not labeled to indicate that it was substandard.

On September 13 and 25, 1940, the United States attorney for the Eastern District of North Carolina filed libels against 24 cases of canned peas at Weldon, N. C., and 125 cases at Washington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about June 10 to on or about July 1, 1940, by Southgate Brokerage Co., Inc., from